

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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FREDERIC LEPPER

Petitioner,

v.

LOIS RUSSO,

Respondent.

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Civil Action No. 04-11879-MLW

**MOTION OF THE RESPONDENT TO ENLARGE THE TIME  
FOR FILING A MEMORANDUM**

The respondent, Lois Russo, Superintendent of Souza-Baronowski Correctional Center at Shirley, Massachusetts, through counsel, respectfully moves this Court to enlarge the time in which to file a memorandum in opposition to the petition for writ of habeas corpus to September 18, 2006.

As grounds therefor, the respondent's attorney states that she has been working steadily on numerous cases with litigation projects that are due in the next several weeks including preparing for a merits hearing in a federal habeas petition, Quinerly v. Spencer, USDC No. 03-cv-12552-GAO; filing dispositive motions and/or memoranda of law on the merits in four federal habeas cases, Stroyny v. Hall, USDC No. 03-10122-RWZ, Duquay v. Spencer, USDC No. 03-11575-MLW, Silfredo Ali v. O'Brien, Civil Action No. 04-30005-KPN, Delgado v. Dennehy, USDC C.A. 04-30124-MAP; researching and drafting a brief for the Massachusetts Appeals Court, Commonwealth v. Alvarez, MAC No. 2005-P-1374; preparing for a hearing on a motion to dismiss in Carter v. Coakley, Middlesex Superior Court Civil Action No. 2005-00456; and researching and drafting a brief for the First

Circuit in Hyde v. State of Massachusetts, No. 06-1777.

In addition the undersigned counsel will be out of state in early July on a long planned family vacation.

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing a memorandum in opposition to the petition to September 18, 2006.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ Annette C. Benedetto  
Annette C. Benedetto  
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**CERTIFICATE OF CONSULTATION**

Pursuant to Local Rule 7.1 (A) (2) , the respondent's attorney certifies that she spoke with the petitioner's counsel who indicated that he would take no position on the above motion.

/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the Electronic Case Filing system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date set forth below.

June 15, 2006

/s/ Annette C. Benedetto  
Annette C. Benedetto